

## TWENTY-SIXTH DAY

(Wednesday, February 24, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called and the following Members were present:

Mr. Speaker	Holland
Adkins	Hoskins
Alexander	Howard
Alsup	Huddleston
Amos	Hull
Baker	Hyder
Beckworth	Jackson
Bell	James
Blankenship	Johnson of Ellis
Boethel	Johnson
Bond	of Tarrant
Boyer	Jones of Angelina
Bradbury	Jones of Atascosa
Bradford	Jones of Wise
Bridgers	Keefe
Brown	Keith
Burton	Kelt
Cagle	Kenyon
Callan	Kern
Carssow	King
Cathey	Knetsch
Cauthorn	Langdon
Celaya	Lankford
Cleveland	Lanning
Davis of Haskell	Leath
Davis of Jasper	Leonard
Davison of Fisher	Leyendecker
Davisson	Little
of Eastland	Loggins
Deglandon	London
Derden	Lucas
Dickison	Mann
Dollins	Mauritz
England	Mays
Farmer	McConnell
Feltv	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse
Hardin	Newton
Harper	Nicholson
Harrell	Oliver
Harris of Archer	Palmer
Harris of Dallas	Patterson of Mills
Harris of Dickens	Patterson
Hartzog	of Travis
Heflin	Petsch
Herzik	Pope

Powell	Smith of Hopkins
Prescott	Smith
Quinn	of Matagorda
Ragsdale	Smith of Tarrant
Reader	Stevenson
Reed of Bowie	Stinson
Reed of Dallas	Stocks
Rhodes	Talbert
Riddle	Tennant
Roark	Tennyson
Ross	Thornberry
Russell	Thornton
Rutta	Vale
Schuenemann	Waggoner
Settle	Walker
Sewell	Weldon
Sharpe	Westbrook
Shell	Wood
Simpson	Worley
Skaggs	

Absent

Winfree

Absent—Excused

Bates	Dean
Broadfoot	Jones of Falls
Colquitt	Tarwater

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Broadfoot for today, on account of important State business, on motion of Mr. Carssow.

Mr. Jones of Falls for today, on account of important State business, on motion of Mr. Adkins.

Mr. Dean for today, on motion of Mr. Vale.

Mr. Lanning for today, on account of important State business, on motion of Mr. King.

Mr. Tarwater for today, on motion of Mr. Nicholson.

The following Members were granted leaves of absence on account of illness:

Mr. Colquitt for today, on motion of Mr. Harper.

Mr. Bates for today, on motion of Mr. Baker.

## HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first

time, and referred to the appropriate committees, as follows:

By Mr. Heflin (by request), Mr. Monkhouse and Mr. Baker:

H. J. R. No. 37, Proposing an amendment to Article XVI, Section 30 of the Constitution of the State of Texas permitting local option elections for counties, municipal corporations and other political subdivisions of the State and authorizing Civil Service Laws and Regulations to be adopted by a majority vote of the qualified electors of said political subdivision and directing the Legislature to make such laws regulating the holding of such elections; providing for an election on the question of adoption or revocation of such an amendment and making appropriation therefor; providing for the proclamation and publication thereof, and prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

By Mr. Baker and Mr. King:

H. J. R. No. 38, Proposing an amendment to Sections 1 and 18 of Article VIII of the Constitution of the State of Texas providing that taxation of real property shall be equal and uniform; and all property whether owned by natural persons or corporations other than municipal shall be taxed in proportion to its value as may be ascertained as provided by law; that the Legislature may make reasonable classification of all property other than real property for the purpose of taxation and may impose different rates thereon; provided that the taxation of property in any class be equal and uniform; and providing that the Legislature may impose a poll tax and may impose an occupation tax on natural persons and corporations other than municipal doing any business in the State, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; that it may tax incomes of both natural persons and corporations other than municipal; exempting \$250.00 worth of household and kitchen furniture belonging to each family in this State; providing further that the occupation tax levied by any county, city or town for any year on persons or corporations pursuing any professional business shall not exceed one-half of the tax levied by

the State for the same period; and providing that the Legislature shall have authority by general law to provide for equalizing as near as may be the valuation of all property subject to or rendered for taxation; provided that the county commissioners court shall constitute a board of equalization for the purpose of equalizing the value of all farm lands, ranch lands, timber lands, town and city lots with improvements thereon, all household furnishings, farm implements and livestock in the several counties.

Referred to the Committee on Constitutional Amendments.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Weldon:

H. B. No. 692, A bill to be entitled "An Act to repeal all of Title 95, Revised Civil Statutes, 1925, constituting Articles 5892 to 5920 inclusive; to repeal Chapter 8, Criminal Code, 1925, Articles 1594 to 1612 inclusive; providing for ingress and egress of persons employed; providing for escapement shafts; providing a penalty for mine operators for violation; providing for methods for safety installation of shafts, cages and passways; providing for props and timbers in mine shafts; . . . etc., and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Holland:

H. B. No. 693, A bill to be entitled "An Act to amend Article 3113 of the Revised Civil Statutes of Texas, 1925, regulating the application of candidates for their names to appear on the official ballot for the general primary as a candidate for any office, prescribing time within which same shall be made, providing for information to be given in such application, providing that same shall be acknowledged by said candidate; providing similar requests may be signed and acknowledged by twenty-five (25) qualified voters resident in said county and the effect thereof; re-

pealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Holland:

H. B. No. 694, A bill to be entitled "An Act to amend Article 3112 of the Revised Civil Statutes of Texas, 1925, regulating application by candidates for district office, prescribing the time within which same is to be filed, requisites and effects thereof, and of same request filed by twenty-five (25) qualified voters resident in said district and the effect thereof; repealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Holland:

H. B. No. 695, A bill to be entitled "An Act to amend Section 2 of Article 3111 of the Revised Civil Statutes of the State of Texas, 1925, relating to the time within which requests for names to appear on official ballots for a general primary may be filed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. King:

H. B. No. 696, A bill to be entitled "An Act declaring it unlawful for any person in this State to enter into any house, domicile, home, room or apartment of any other person without the consent of the owner thereof; providing a penalty for the violation of this Act, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Johnson of Tarrant and Mr. Amos:

H. B. No. 697, A bill to be entitled "An Act to amend Subdivision (b) of Section Fifteen of Chapter 42 of the Acts of the Forty-first Legislature, Second Called Session, page 77, so as to prescribe in addition to the penalties assessed for a violation of said Chapter 42 of said Acts of the Forty-first Legislature, Second Called Session, the court in which complaints shall be filed against persons charged with violation of certain provisions of said Chapter 42, when such persons

are first offending under the provisions of said Act."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Celaya:

H. B. No. 698, A bill to be entitled "An Act to reorganize the Criminal District Court for the Counties of Nueces, Kleberg, Kenedy, Willacy and Cameron to be composed of the counties of Nueces, Kleberg, Kenedy and Jim Wells, only, under the designation of the 127th Judicial District Court, and to create the 128th Judicial District of Texas to be composed of the Counties of Cameron and Willacy; . . . etc., and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Harris of Dallas, Mr. Jones of Wise and Mr. Hyder:

H. B. No. 699, A bill to be entitled "An Act fixing a closed season on White Bass and Yellow Bass; providing a size limit, daily bag limit and possession limit on these species; prohibiting the sale of such fish; providing a penalty for violation of the provisions of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Reed of Dallas and Mr. Pope:

H. B. No. 700, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being House Bill No. 847, passed by the Forty-second Legislature of the State of Texas, as appears from pages 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective as herein provided, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Tarwater (by request):

H. B. No. 701, A bill to be entitled "An Act to be known as 'The Co-ordinate System Bill' to describe, define, and officially name a system of coordinates for designating the position of points on the surface of the earth within the State of Texas, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Tarwater (by request):

H. B. No. 702, A bill to be entitled "An Act authorizing the issuance of bonds for the purchase of busses by all school districts, prescribing the purposes for which such busses may be used; prescribing the terms and conditions upon which said bonds may be issued, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Smith of Matagorda:

H. B. No. 703, A bill to be entitled "An Act providing for the use of State convict labor by the Board of Directors of the Agricultural and Mechanical College of Texas in connection with the operation of Texas Agricultural Experiment Stations; providing that at all times while so engaged said convicts shall be under the control of the State Prison Board, and that they shall be considered as serving upon their terms in the penitentiary, and declaring an emergency."

Referred to the Committee on Penitentiaries.

By Mr. Petsch:

H. B. No. 704, A bill to be entitled "An Act conferring jurisdiction upon the County Court of Gillespie County in probate matters and general jurisdiction over estates, and transferring the jurisdiction of said Court over civil and criminal cases to District Court of said County, and conforming the jurisdiction of the District Court to such change, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Davison of Fisher:

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said Court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing all laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Dickison:

H. B. No. 706, A bill to be entitled "An Act providing for the employment by the County Board of School Trustees and the County Superintendent of rural school supervisors in counties having population of not less than 290,000, nor more than 320,000 to act as such in the work of the primary and intermediate grades of the rural schools of the county; . . . etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Johnson of Ellis:

H. B. No. 707, A bill to be entitled "An Act to amend subsection (a) of Section 6 of Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature, pages 1762, et seq., and codified as Article 3912e of the Revised Civil Statutes, such amendatory Act being an Act fixing the amount of contribution to be paid by the State to certain counties of a certain calculable amount per annum in lieu of felony fees formerly paid by the State to the district, certain county and precinct officers of such counties; prescribing the time, method and manner of such payments; directing and apportioning the distribution of said contribution by the State to the Officers' Salary Fund of certain designated district, county and precinct officers of said counties, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Davisson of Eastland:

H. B. No. 708, A bill to be entitled "An Act providing for the forfeiture of oil and gas royalties not rendered for taxation, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hartzog:

H. B. No. 709, A bill to be entitled "An Act for the purpose of better conserving edible marine life in Calhoun County, Texas, by the closing of certain waters in Calhoun County to the use of certain types of nets; making it unlawful to take oysters from oyster reefs in Calhoun County for the purpose of transplanting, without first obtaining a written order from the Commissioners Court of Calhoun County;

providing penalties thereof, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Newton, Mr. Hankamer, Mr. Skaggs, Mr. Tennyson, Mr. Smith of Hopkins and Mr. Langdon:

H. B. No. 710, A bill to be entitled "An Act designated as Article 307, Revised Civil Statutes, providing for exemption of bar examination applicants."

Referred to the Committee on Judiciary.

By Mr. Davison of Fisher:

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

Referred to the Committee on Live-Stock and Stock Raising.

By Mr. London:

H. B. No. 712, A bill to be entitled "An Act creating a special road law for Montague County, Texas, providing that said County may fund or refund designated interest-bearing time warrants in an amount not exceeding \$11,500.00 and designated scrip warrants in an amount not exceeding \$38,500.00, outstanding against its road and bridge fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; . . . etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Amos (by request) and Mr. Johnson of Tarrant:

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms and cor-

porations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed or laundered, and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Davison of Fisher:

H. B. No. 714, A bill to be entitled "An Act making an emergency appropriation out of the Special Racing Fund of Ten Thousand, Two Hundred Sixty (\$10,260) Dollars to the Texas Racing Commission for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Oliver:

H. B. No. 715, A bill to be entitled "An Act granting aid to the property and inhabitants of Shelby County, Texas, because of the public calamities which have occurred in said County by reason of floods and storms which have caused great destruction of property and loss of life; remitting, releasing, granting and donating to said County all said ad valorem taxes for general revenue purposes levied and collected on property in said County; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Nicholson and Mr. McKee:

H. B. No. 716, A bill to be entitled "An Act for the purpose of authorizing County Treasurers in counties having a population of not less than one hundred and twenty-five thousand (125,000) nor more than one hundred and seventy-five thousand (175,000) inhabitants, according to the last Federal Census and containing two (2) cities of more than forty thousand (40,000) inhabitants according to the last Federal Census, to be paid in addition to all other compensation a salary of not to exceed Six Hundred (\$600.00) Dollars per year to be fixed and determined by the Commissioners Court of such county for acting as custodian of the funds of Road District or Road Districts in such counties created under authority of Article III, Section 52 of the Constitution of the State of Texas and or Acts, Thirty-ninth Legislature, First Called Session, Chapter

16, page 23, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Powell:

H. B. No. 717, A bill to be entitled "An Act to declare the necessity of creating a governmental subdivision of the State to be known as 'San Jacinto River Watershed Soil and Water Conservation District', and other governmental subdivisions of the State to be known as 'soil and water conservation subdistricts', to engage in conserving soil and water resources and preventing and controlling soil erosion; to establish the San Jacinto River Watershed Soil and Water Conservation District; . . . etc., and for other purposes."

Referred to the Committee on State Affairs.

By Mr. Baker:

H. B. No. 718, A bill to be entitled "An Act conveying the title of the State of Texas to Lot No. 3, Block 1, in the R. T. Mulcahy's Addition to the Town of Rosenberg, Fort Bend County, Texas, acquired by the State under tax sale, to the Rosenberg Gin Company, a Texas corporation, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Baker and Mr. Harper:

H. B. No. 719, A bill to be entitled "An Act amending Article 6067 of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Baker and Mr. Harper:

H. B. No. 720, A bill to be entitled "An Act to amend Article 6068 of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Bell and Mr. Hartzog:

H. B. No. 721, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, Gen-

eral or Special in conflict therewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Weldon:

H. B. No. 722, A bill to be entitled "An Act to amend Articles 7118, 7118a, 7119, 7120, 7121 and 7122, by increasing the rates applicable to such Articles by adding two (2) per cent to each rate; repealing all conflicting laws, and providing for the Judicial construction of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Davis of Jasper:

H. B. No. 723, A bill to be entitled "An Act granting aid to the property and inhabitants of Newton County, Texas, and to Newton County made necessary by reason of its location on the Sabine River and by reason of calamitous overflows, floods, and storms, which cause great destruction of property, and menacing of life; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Davis of Jasper:

H. B. No. 724, A bill to be entitled "An Act amending Section 1, Chapter 24, Acts of the Regular Session, Forty-third Legislature, providing and fixing compensation for County Commissioners in certain counties, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Thornberry, Mr. Metcalfe, Mr. Jones of Wise, Mr. Roark and Mr. Worley:

H. B. No. 725, A bill to be entitled "An Act to amend Section 14 of Chapter 282, Senate Bill No. 82, Acts of the Regular Session, Forty-first Legislature; to amend Sections 4, 5, 7, 8 and 18, Chapter 282, Senate Bill No. 82, Acts of the Regular Session, Forty-first Legislature, as amended by Chapter 174, Senate Bill No. 279, Acts of the Regular Session of the Forty-Second Legislature; . . . etc., and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. McCracken, Mr. Felty, Mr. Reader, Mr. Carssow and Mr. Dickison:

H. B. No. 726, A bill to be entitled "An Act (1 and 2) to create and establish San Antonio River Canal and Conservancy District under authority of Section 59, of Article XVI of the Constitution of Texas, to be a Governmental Agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act; (3) designating the area to be embraced in the District and making provision for excluding lands from, or adding lands to, the area of the District and prescribing the manner for so doing; . . . etc., and providing a day upon which this Act is to be effective."

Referred to the Committee on State Affairs.

By Mr. Cagle:

H. B. No. 727, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas, relating to the fees paid constables, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Shell:

H. B. No. 728, A bill to be entitled "An Act to extend for an additional period of twenty-five years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature, and to amend same in other particulars so as to read and be as provided for herein; and to aid the City of Aransas Pass in constructing and maintaining sea walls, break waters, and other shore protections, including wharves forming part or parts of same, in order to protect said city, . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Westbrook, Mr. Hardin, Mr. Metcalfe, Mr. Jones of Angelina and Mr. Oliver:

H. B. No. 729, A bill to be entitled "An Act to provide a means for graduates of non-affiliated, non-classified, and non-standardized schools by taking an examination to become standardized scholastics; prohibiting the County Board from classifying the schools of the County

in such a way as to do away with certain grades without providing for transportation facilities; . . . etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Fielden:

H. B. No. 730, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Roark, Mr. Quinn, Mr. McKee, Mr. Nicholson, Mr. Jones of Angelina and Mr. Kenyon:

H. B. No. 731, A bill to be entitled "An Act to aid the Lower Neches Valley Authority, a State agency, in carrying out the purposes for which it was created by Chapter 63, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 17, Acts of the Fourth Called Session of the Forty-third Legislature, including the acquiring of lands, leases, easements, right of ways, canals, structures and facilities, . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Howard:

H. B. No. 732, A bill to be entitled "An Act making an appropriation to pay the increase of salaries to District Judges, as authorized by House Bill No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries, and declaring an emergency."

Referred to the Committee on Appropriations.

#### BILL RE-REFERRED

Mr. Lucas moved that House Bill No. 658 be withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Revenue and Taxation.

The motion prevailed.

**RELATIVE TO HOUSE  
BILL NO. 642**

Mr. Stevenson asked unanimous consent of the House that certain corrections be made in House Bill No. 642.

There was no objection offered, and it was so ordered.

**MOTION TO PRINT HOUSE  
BILL NO. 124**

Mr. Graves moved that House Bill No. 124 reported adversely, with a minority favorable report, be printed.

Mr. Hardin moved to table the motion to print.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—67**

Adkins	Leonard
Alexander	Leyendecker
Blankenship	Lucas
Bond	Mays
Callan	McDonald
Carssow	McFarland
Cathrey	McKee
Cauthorn	McKinney
Celaya	Monkhouse
Cleveland	Morris
Davis of Haskell	Nicholson
Davisson	Patterson of Mills
of Eastland	Petsch
Derden	Pope
Dollins	Quinn
England	Reed of Bowie
Felty	Reed of Dallas
Gibson	Riddle
Hankamer	Roark
Hanna	Russell
Harbin	Schuenemann
Hardin	Settle
Hartzog	Sewell
Herzik	Sharpe
Howard	Shell
Hull	Smith of Hopkins
Jackson	Stevenson
James	Stinson
Johnson of Ellis	Stocks
Jones of Angelina	Tennant
Jones of Atascosa	Thornton
Kenyon	Vale
Langdon	Waggoner
Leath	Wood

**Nays—49**

Alsup	Baker
Amos	Beckworth

Bell	Metcalf
Boethel	Moffett
Bradbury	Oliver
Brown	Palmer
Burton	Patterson
Davis of Jasper	of Travis
Deglandon	Powell
Dickison	Prescott
Farmer	Ragsdale
Fielden	Reader
Fox	Rhodes
Graves	Ross
Harris of Archer	Simpson
Harris of Dickens	Skaggs
Heflin	Smith
Jones of Wise	of Matagorda
Keefe	Talbert
Kelt	Tennyson
Knetsch	Thornberry
Lankford	Walker
Loggins	Weldon
London	Westbrook
Mann	Worley
McConnell	

**Present—Not Voting**

Hyder

**Absent**

Boyer	Johnson
Bradford	of Tarrant
Bridgers	Keith
Cagle	Kern
Davison of Fisher	King
Fuchs	Little
Hamilton	Mauritz
Harper	McCracken
Harrell	Morse
Harris of Dallas	Newton
Holland	Rutta
Hoskins	Smith of Tarrant
Huddleston	Winfree

**Absent—Excused**

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

**RELATIVE TO HOUSE BILLS  
NOS. 470 AND 471**

Mr. Roark asked unanimous consent of the House that the captions of House Bills Nos. 470 and 471, be amended to conform to all changes and with the body of the bills.

There was no objection offered, and it was so ordered.

**MOTION TO SET HOUSE BILL  
NO. 6 AS A SPECIAL  
ORDER**

Mr. Reed of Bowie moved that House Bill No. 6 be set as a special



order for 10:00 o'clock a. m., Friday February 26.

Question recurring on the motion to set House Bill No. 6 as a special order, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—62

Adkins	Jones of Wise
Amos	Keefe
Baker	Kelt
Beckworth	Kenyon
Bell	Langdon
Bond	Lankford
Bridgers	Lucas
Brown	Mann
Burton	McDonald
Cagle	Metcalf
Callan	Morris
Cathey	Newton
Cleveland	Oliver
Davis of Haskell	Palmer
Davis of Jasper	Patterson
Davison of Fisher	of Travis
Derden	Powell
Dickison	Prescott
Dollins	Reader
England	Reed of Bowie
Farmer	Rhodes
Fox	Ross
Graves	Russell
Hamilton	Sharpe
Harbin	Simpson
Hardin	Skaggs
Harper	Smith of Hopkins
Harris of Dickens	Thornberry
Holland	Waggoner
James	Weldon
Johnson of Ellis	Westbrook
Jones of Angelina	

Nays—63

Alexander	Hyder
Blankenship	Jackson
Boethel	Jones of Atascosa
Boyer	Keith
Bradbury	Knetsch
Bradford	Leath
Carssow	Leonard
Cauthorn	Leyendecker
Celaya	Loggins
Deglandon	London
Felty	McConnell
Fielden	McCracken
Gibson	McFarland
Hankamer	McKee
Hanna	McKinney
Harris of Archer	Moffett
Harris of Dallas	Monkhouse
Hartzog	Morse
Heflin	Nicholson
Hull	Patterson of Mills

Petsch	Stevenson
Pope	Stinson
Quinn	Stocks
Reed of Dallas	Tennant
Riddle	Tennyson
Roark	Thornton
Rutta	Vale
Schuenemann	Walker
Settle	Winfree
Sewell	Wood
Shell	Worley
Smith	
of Matagorda	

Present—Not Voting

Herzik

Talbert

Absent

Alsup	Johnson
Davisson	of Tarrant
of Eastland	Kern
Fuchs	King
Harrell	Little
Hoskins	Mauritz
Howard	Mays
Huddleston	Ragsdale
	Smith of Tarrant

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

#### SPECIAL ORDER SET

Mr. Metcalfe moved that House Bill No. 258 be set as a special order for 11:00 o'clock a. m., Tuesday, March 2.

The motion prevailed.

#### ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills, as co-authors of same, as follows:

Mr. Felty, Mr. Reader and Mr. Carsow, House Bill No. 640.

Mr. Bell, Mr. Newton, Mr. Hardin and Mr. Skaggs, House Bill No. 198.

Mr. Reed of Bowie, House Bills Nos. 48 and 170.

Mr. Smith of Hopkins, House Bill No. 600.

Mr. Moffett, House Bill No. 599.

#### MOTION TO RECOMMIT HOUSE BILL NO. 48

Mr. Fox moved that House Bill No. 48 be recommitted to the Committee on State Affairs with the instruction that the Committee delete from

the caption of said bill all taxation provisions.

Mr. Lucas moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Adkins	Johnson of Ellis
Alsup	Jones of Angelina
Amos	Jones of Wise
Beckworth	Keefe
Bell	Kern
Boethel	Knetsch
Bradbury	Langdon
Bridgers	Lankford
Brown	Leyendecker
Cagle	Loggins
Callan	London
Carssow	Lucas
Cathey	Mann
Cauthorn	Mays
Celaya	McKee
Cleveland	Moffett
Davis of Haskell	Newton
Davis of Jasper	Oliver
Davisson	Palmer
of Eastland	Petsch
Deglandon	Powell
Derden	Prescott
Dickison	Quinn
Dollins	Reed of Bowie
Farmer	Rhodes
Felty	Roark
Fielden	Ross
Graves	Russell
Hamilton	Rutta
Harbin	Sewell
Hardin	Simpson
Harper	Skaggs
Harrell	Smith of Hopkins
Harris of Dickens	Smith of Tarrant
Heflin	Stocks
Holland	Talbert
Hoskins	Weldon
Hyder	Westbrook
Jackson	Winfree
James	

Nays—46

Alexander	Harris of Archer
Baker	Harris of Dallas
Blankenship	Hartzog
Bond	Johnson
Boyer	of Tarrant
Burton	Keith
Davison of Fisher	Kenyon
England	King
Fox	Leath
Gibson	Little
Hankamer	McConnell
Hanna	McCracken

McDonald	Shell
McFarland	Smith
McKinney	of Matagorda
Metcalfe	Stinson
Monkhouse	Tennant
Morris	Tennyson
Patterson	Thornberry
of Travis	Thornton
Ragsdale	Waggoner
Reed of Dallas	Walker
Riddle	Wood
Schuenemann	Worley
Settle	

Present—Not Voting

Herzik

Absent

Bradford	Morse
Fuchs	Nicholson
Howard	Patterson of Mills
Huddleston	Pope
Hull	Reader
Jones of Atascosa	Sharpe
Kelt	Stevenson
Leonard	Vale
Mauritz	

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Pope offered the following resolution:

H. C. R. No. 42, To grant Mrs. Pearl Crenshaw and others permission to sue the State of Texas and the State Highway Department.

Whereas, On the 30th day of July, A. D. 1936, D. R. Crenshaw, an employee of the Highway Department of the State of Texas while engaged in the repair of the State Highway leading on to the Causeway near Galveston, in Galveston County, Texas, sustained injuries from which he subsequently died on the 8th day of August, A. D. 1936; and

Whereas, Mrs. Pearl Crenshaw, who resides in Brazoria County, Texas, is the surviving widow of D. R. Crenshaw and A. M. Crenshaw, A. O. Crenshaw, Corene Crenshaw Miller, C. C. Crenshaw and C. D. Crenshaw are the surviving children of D. R. Crenshaw, and have not been compensated for the damages sustained by her and/or them on account of the death of the said D. R. Crenshaw, occasioned by

injuries sustained by him while in the employ of the Highway Department of the State of Texas; and

Whereas, Suit cannot be maintained against the State of Texas, and the Highway Department of the State of Texas without permission of the Legislature of the State of Texas.

Resolved by the House of Representatives, the Senate concurring:

1. That the said Mrs. Pearl Crenshaw, surviving widow of D. R. Crenshaw, deceased and/or A. M. Crenshaw, A. O. Crenshaw, Corene Crenshaw Miller, joined by her husband, J. D. Miller, C. C. Crenshaw and C. D. Crenshaw, surviving children of D. R. Crenshaw, deceased, be and/or they are hereby granted permission to bring suit against the State of Texas and the Highway Department of the State of Texas, for damages sustained by her and/or them by reason of the death of D. R. Crenshaw, as a result of injuries sustained by him while in the performance of his duties as an employee of the Highway Department of the State of Texas, in any court of competent jurisdiction in Galveston County, Texas, or Brazoria County, Texas, at any time within two years from the date this resolution takes effect; and

2. That such suit upon said cause of action shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were against an ordinary Texas corporation; and

3. That process issued in such suit may be served upon the Governor of the State of Texas, the Attorney General of the State of Texas and the Chairman of the Highway Commission of the State of Texas; and

4. That any judgment which may be recovered by reason of the prosecution of such suit shall be, and constitute a liquidated debt and shall be paid by the Highway Commission of Texas out of the State Highway funds.

POPE,  
KENYON,  
McKINNEY.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### RELATIVE TO CERTAIN APPROPRIATION IN REGARD TO VOCATIONAL EDUCATION

Mr. Carssow offered the following resolution:

H. C. R. No. 43, Relative to certain appropriation in regard to Vocational Education.

Whereas, The Congress of the United States, in recognition of the inadequacy of appropriations under the Smith-Hughes Act for the support of Vocational Education, passed the George-Dean Act, providing for the further development of Vocational Education in the States and authorizing an annual appropriation of approximately fourteen million dollars; and

Whereas, Vocational educational programs in Texas in the fields of Vocational Agriculture, Vocational Homemaking, and Vocational Trades and Industries have grown far beyond the ability of local schools to finance with aid now available from State and Federal funds; and

Whereas, Plans for the coming fiscal year have been based upon Texas' prorata share of the full amount authorized by the George-Dean Act; and

Whereas, New fields for vocational training have been provided for in the George-Dean Act, thereby permitting training for many new occupations and reducing amounts which may be applied to established programs; and

Whereas, The official budget which has been transmitted to Congress provides for only three million dollars for the fiscal year 1937-'38; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Congress of the United States be and is hereby earnestly requested to appropriate the full amounts authorized in the various sections of the George-Dean Act, in order to assist the States in carrying out programs of Vocational Education in the public schools which have been planned and for which there is an insistent demand.

CARSSOW,  
DICKISON.

The resolution was read second time, and was adopted.

#### RELATIVE TO CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Gibson offered the following resolution:

Whereas, Numerous local bills and general bills with local application are now pending in the House of Representatives and have been passed on as such by the "Local and Uncontested Bill Committee"; and

Whereas, To postpone action on them until the latter part of the session will jeopardize their final passage; therefore, be it

Resolved by the House of Representatives, That a session of the House be held Monday evening, March 1, from seven-thirty to nine-thirty o'clock for the consideration of such local bills, and general bills with local application and uncontested bills and that the "Local and Uncontested Bill Committee" be authorized and directed to prepare a calendar for said session.

The resolution was read second time, and was adopted.

#### RELATIVE TO RECOMMENDATIONS FOR OLD AGE ASSISTANCE

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. Cathey, on yesterday, Relative to recommendations for Old Age Assistance.

The resolution having been read second time on yesterday.

Mr. Wood moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—35

Adkins	McFarland
Baker	Metcalfe
Bell	Patterson
Blankenship	of Travis
Bradford	Petsch
Bridgers	Riddle
Burton	Roark
Gibson	Schuenemann
Harris of Archer	Sharpe
Hartzog	Smith of Hopkins
Hoskins	Smith
Jackson	of Matagorda
Jones of Wise	Stinson
Keith	Tennyson
Kenyon	Thornberry
King	Thornton
Knetsch	Waggoner
Langdon	Wood
Mauritz	

#### Nays—73

Amos	London
Boyer	Lucas
Bradbury	Mann
Brown	Mays
Callan	McConnell
Carssow	McCracken
Cathey	McDonald
Celaya	McKee
Cleveland	Moffett
Davis of Haskell	Monkhouse
Davis of Jasper	Morris
Deglandon	Newton
Derden	Oliver
Dickison	Palmer
Farmer	Patterson of Mills
Fielden	Powell
Fuchs	Prescott
Hamilton	Quinn
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harrell	Rhodes
Harris of Dickens	Ross
Heflin	Russell
Herzik	Rutta
Huddleston	Settle
Hyder	Sewell
James	Simpson
Johnson of Ellis	Skaggs
Jones of Angelina	Stocks
Jones of Atascosa	Talbert
Keefe	Tennant
Kelt	Vale
Kern	Walker
Lankford	Weldon
Leyendecker	Westbrook
Little	Winfree
Loggins	

#### Present—Not Voting

Boethel

#### Absent

Alexander	Holland
Alsup	Howard
Beckworth	Hull
Bond	Johnson
Cagle	of Tarrant
Cauthorn	Leath
Davison of Fisher	Leonard
Davison	McKinney
of Eastland	Morse
Dollins	Nicholson
England	Pope
Felty	Ragsdale
Fox	Reader
Graves	Shell
Hankamer	Smith of Tarrant
Harbin	Stevenson
Harper	Worley
Harris of Dallas	

## Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—82

Adkins	Leyendecker
Amos	Little
Beckworth	Loggins
Blankenship	London
Boethel	Lucas
Boyer	Mann
Bradbury	Mays
Brown	McConnell
Callan	McCracken
Carssow	McDonald
Cathey	McKee
Cauthorn	Moffett
Celaya	Monkhouse
Cleveland	Newton
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Deglandon	Pope
Derden	Powell
Dickison	Prescott
Farmer	Quinn
Fielden	Reed of Bowie
Hamilton	Reed of Dallas
Hanna	Rhodes
Harbin	Riddle
Harrell	Ross
Harris of Dallas	Russell
Harris of Dickens	Rutta
Heflin	Settle
Herzik	Sewell
Hoskins	Sharpe
Huddleston	Simpson
Hyder	Skaggs
James	Smith of Tarrant
Johnson of Ellis	Tennant
Jones of Angelina	Vale
Jones of Atascosa	Weldon
Keefe	Westbrook
Kern	Winfree
Knetsch	Wood
Lankford	Worley

## Nays—31

Alsup	Jackson
Bell	Jones of Wise
Bradford	Keith
Bridgers	Kenyon
Burton	King
Gibson	Langdon
Harris of Archer	Mauritz
Hartzog	McFarland

Metcalf	Smith
Morris	of Matagorda
Nicholson	Stinson
Patterson	Stocks
of Travis	Tennyson
Petsch	Thornberry
Roark	Thornton
Smith of Hopkins	Waggoner
	Walker

## Present—Not Voting

Kelt	Talbert
	Absent
Alexander	Holland
Baker	Howard
Bond	Hull
Cagle	Johnson
Davisson	of Tarrant
of Eastland	Leath
Dollins	Leonard
England	McKinney
Felty	Morse
Fox	Ragsdale
Fuchs	Reader
Graves	Schuenemann
Hankamer	Shell
Hardin	Stevenson
Harper	

## Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

## MESSAGE FROM THE SENATE

Austin, Texas, February 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 12, Granting A. J. Laas permission to sue the State.

S. C. R. No. 13, Granting permission to Chronister Lumber Co., et al., to sue the State.

S. C. R. No. 14, Granting Dr. O. P. Gandy and wife permission to sue the State.

S. C. R. No. 25, Granting permission to C. M. Wells to sue the State.

S. C. R. No. 26, Granting permission to O. I. Littlefield to sue the State.

S. C. R. No. 27, Granting permission to Wilburn Swan to sue the State.

S. C. R. No. 28, Granting permission to W. H. Bradford to sue the State.

S. C. R. No. 29, Granting permission to Norton Lincecum to sue the State.

S. C. R. No. 35, In memory of Honorable Tom S. Henderson, deceased, of Milam County.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 37, by Mr. Brown, Granting C. A. Lanier permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 41, by Mr. Cagle, Granting the Clement Grain Company permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 9, To grant Master Petroleum Company permission to sue the State.

Whereas, The Master Petroleum Company, a private corporation, incorporated and existing under the laws of the State of Texas with Floyd Casey, R. V. McClain and S. J. T. Smith as the sole and only officers, directors and stockholders thereof, was on May 31, 1935, for many years prior thereto and at all times subsequent to said date, engaged in the

refinery, bulk sales, and retail oil and gasoline business in Waco, McLennan County, Texas, and on or about May 20, 1935, in good faith, and relying on the tenders and clearances accompanying said purchases, purchased from the Neibro Oil Service, at Overton, Texas, 100 cars of crude oil, approximately 21,352 barrels, paying therefor at the time of said purchase the sum of Sixteen Thousand, Sixteen and No/100 (\$16,016.00) Dollars and assumed the freight charges to destination at Waco, Texas; and

Whereas, At the time of said purchase as aforesaid, the supply of crude oil for running said Refinery was about exhausted; and the supply of gasoline and other petroleum products was about exhausted also; the said Master Petroleum Company being at the time under various and sundry contracts to McLennan County, the City of Waco, and other large consumers, to furnish them their supplies of oils, gasoline and other petroleum products, and but for the purchase aforesaid, and the refining and distribution of said petroleum products, said Master Petroleum Company would have been unable to fill the contracts as aforesaid, and would have suffered great and irreparable loss and damages; and

Whereas, Thereafter on or about May 30, 1935, the State of Texas, joined by its administrative agency the Railroad Commission of Texas instituted its suit in the 126th Judicial District Court of Travis County, Texas, styled the State of Texas, vs. One Hundred Cars of Crude Petroleum, et al., numbered No. 55592 on the Docket of said court, and procured an injunction against the International-Great Northern Railroad Company, et al., the common carrier transporting said oil from Overton, Texas, to Waco, Texas, restraining them from further transporting or delivering the 46 cars of said oil at the time located on the track of said railroad company at Mart, Texas; and the 54 cars of said oil at the time on the track of said railroad company, at Palestine, Texas, alleging in substance that said oil was being so transported under a forged tender, but in no wise accusing, connecting with, or charging the said Master Petroleum Company, its officers, agents or employees, with the said

forgery or other bad faith in the purchase of said product; and

Whereas, Thereafter on or about May 31, 1935, the said plaintiffs in said suit, amended their said pleadings and secured from the Judge of said court a decree condemning said crude oil, declaring it a nuisance, and forfeiting it to the State of Texas; appointing a Receiver to sell the same, and at which said sale, the said Master Petroleum Company due to its dire need of said products, in order to fulfill its outstanding contracts as aforesaid, and in order to avoid a damage suit or suits for its failure to comply with its said contracts, was forced, compelled and coerced into purchasing said products again, from the State of Texas, and on or about which date the said Master Petroleum Company, did pay to the State of Texas the sum of Eight Thousand, Five Hundred Forty and 40/100 (\$8,540.40) Dollars therefor; and which said amount was paid under protest; and

Whereas, Said Eight Thousand, Five Hundred Forty and 40/100 (\$8,540.40) Dollars was, under the decree of the court aforesaid, by the Attorney General, transmitted to and deposited with the State Treasurer of the State of Texas, who has retained said fund for and on behalf of the State of Texas; and

Whereas, Said Master Petroleum Company, and/or its officers, directors and stockholders aforesaid have been deprived of said fund and legal interest thereon since said May 31, 1935 as aforesaid, and desire to reopen the case aforesaid, and/or file a suit against the State of Texas for the recovery of said fund together with legal interest thereon from and after the date so paid; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring. That the said Master Petroleum Company, a corporation, and/or its officers, directors and stockholders to-wit: Floyd Casey, R. V. McClain and S. J. T. Smith, be and they are hereby granted permission to reopen said cause No. 55592 on the docket of the 126th Judicial District Court of Travis County, Texas, and/or file and bring suit against the State of Texas and/or its administrative agency the Railroad Commission of the State of Texas in a court of competent jurisdiction in Travis County, Texas, in

order to determine whether they are entitled to recover the fund aforesaid, or any part thereof, with legal interest from date of such payment to the Attorney General of the State of Texas, and in case such suit be filed, and/or the cause aforesaid be reopened, that service of citation and any other necessary process may be had upon the Railroad Commission of the State of Texas, or the Attorney General of the State of Texas, as made and provided for in civil suits.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 12, To grant A. J. Laas permission to sue the State.

Whereas, At about 8 o'clock p. m. on the 17th day of May, A. D. 1935, A. J. Laas was driving his automobile along State Highway No. 36 in Austin County, Texas, proceeding in a northerly direction from the town of Sealy toward the town of Bellville in said county, at a point approximately four miles from said town of Sealy, at which point on said State Highway No. 36 his automobile was wrecked and rendered totally worthless and wherein the said A. J. Laas sustained serious and permanent injuries to his person; and

Whereas, The said A. J. Laas claims that said damages to his automobile and the injuries so suffered by his person were directly and proximately caused by the negligence of the State Highway Department, in that said Highway Department maintained and/or permitted to be there maintained, a certain blind and narrow culvert, which said culvert was narrower than the main traveled portion of roadbed of said Highway, and which had no adequate sides or approaches to indicate its existence, and that no sign or signs to warn the approaching automobile of said dangerous, blind and narrow culvert were maintained, thereby causing his said automobile to miss said culvert and plunge into a deep drain from said culvert just to the East side of said highway and the said culvert, causing the damages and injuries aforesaid; and

Whereas, The said A. J. Laas claims that the State of Texas and its Highway Department are liable for the said damages so suffered and the said injuries so inflicted; now, therefore, be it

Resolved by the Senate and the House of Representatives concurring, That the said A. J. Laas be hereby granted permission to bring suit against the State of Texas and the State Highway Department and the State Highway Commission in a court of competent jurisdiction to ascertain and fix the amount or amounts, if any, the State Highway Commission and the State of Texas is indebted to the said A. J. Laas on account of the damages and injuries so alleged to have been suffered by him and inflicted upon him. And in case such suit is filed, service of citation shall be had upon the Governor of the State of Texas, the Chairman of the Highway Commission and the Attorney General of Texas, and that said suit may be prosecuted regardless of any claim of limitation upon the part of the defendants therein, and that either party hereto shall have the right of appeal without the execution of a bond and any judgment that may be finally established against the State of Texas and the Highway Commission of Texas in said suit shall be a liquidated debt and shall be paid by the Highway Commission of Texas out of the funds in its hands and under its control.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 13, To grant Chronister Lumber Company permission to sue the State.

Whereas, In the District Court of Angelina County, Texas, Chronister Lumber Company, as plaintiff therein, filed suit against H. M. Stimson and Harmon Moore, and M. C. Spivey, Resident Engineer of the State Highway Department of the State of Texas; and

Whereas, The alleged cause of action grew out of the construction of a section of State Highway No. 40 in Angelina County, Texas, the plaintiff therein claiming its property was dam-

aged because of the construction of said highway; and

Whereas, The defendants herein filed answers and cross actions in said cause, answering thereto and making new parties by reason of which answers and cross actions the State of Texas and/or the State Highway Department of Texas were alleged to have been responsible for any and all damages, if any, to plaintiff and plaintiff's property, and further alleging that the said defendants therein, except the defendant M. C. Spivey, at all times acted upon the direction and authority of the State Highway Department, and further alleging that the State of Texas and/or the State Highway Department and Angelina County, Texas, under and by virtue of defendants' contract agreed and obligated themselves to furnish the necessary right-of-way for the construction of said highway; and

Whereas, In order to adjudicate the rights of not only the plaintiff and the defendants, but all new parties to the suit, it is necessary that the State of Texas and/or the State Highway Department is made a party thereto; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State of Texas and/or the State Highway Department be made a party to said suit by any and all parties, plaintiff and defendant, or any new parties thereto, in said cause, in any court of competent jurisdiction in Angelina County, Texas, and that said suit shall not become barred until two (2) years from the effective date of this Act; and that service of process shall be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases; and that said suit shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense of the State of Texas and/or the State Highway Department that would be applicable and available if such suit were brought against any private corporation as provided by the laws of this State; and, be it further

Resolved, That the Attorney General be, and he is, hereby authorized to compromise or otherwise settle any suit filed as a result of this resolution if, in the opinion of the Attorney General, the said Chronister Lumber Company is entitled to recovery be-



cause of damages to its property, and that the Comptroller be, and he is hereby instructed to comply therewith.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, To grant Mrs. Maude Gandy and Dr. O. P. Gandy permission to sue the State.

Whereas, In the District Court of Trinity County, Texas, Mrs. Maude Gandy, joined by her husband, Dr. O. P. Gandy, as plaintiffs therein, filed suit against Trinity County, Texas; and

Whereas, The alleged cause of action grew out of the construction of a section of State Highway No. 94 in Trinity County, Texas, said plaintiffs therein claiming their property was damaged because of the construction of said highway; and

Whereas, The said Mrs. Maude Gandy, joined by her husband, Dr. O. P. Gandy, desires to make the State of Texas and/or the State Highway Department of Texas a party to said suit in order to establish their claims and recover against the State of Texas because of the damages to said property; and

Whereas, Under the law a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature desires to grant permission to Mrs. Maude Gandy, joined by her husband, Dr. O. P. Gandy, to make the State of Texas and/or the State Highway Department a party to said suit, and to prosecute said suit to a final conclusion upon their claim for damages, if any they suffered, in a court of competent jurisdiction in Trinity County, Texas; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Mrs. Maude Gandy, joined by her husband, Dr. O. P. Gandy, be and they are hereby granted permission to make the said State of Texas and/or the State Highway Department a party to said suit to establish their claims and recover their damages because of damages to said property, in any

court of competent jurisdiction in Trinity County, Texas, and that said suit shall not become barred until two (2) years from the effective date of this Act; and that service of process shall be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases; and that said suit shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defense of the State of Texas that would be applicable and available if such suit were brought against any private corporation as provided by the laws of this State; and, be it further

Resolved, That the Attorney General be, and he is, hereby authorized to compromise or otherwise settle any suit filed as result of this Resolution if, in the opinion of the Attorney General, the said Mrs. Maude Gandy, joined by her husband, Dr. O. P. Gandy, is entitled to recover because of damages to the said property, and that the Comptroller be and he is hereby instructed to comply therewith.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 25, To grant C. M. Wells permission to sue the State.

Whereas, The State Highway Department of Texas did build, construct and supervise the building and construction of State Highway No. 80 in Gonzales County, Texas; and

Whereas, It is alleged that said highway was constructed in such a manner as to cause the flood waters of certain creeks to flow over, inundate and wash away certain farm lands belonging to C. M. Wells, and to destroy growing crops on said land, thereby causing great damage to the said C. M. Wells; and

Whereas, It is alleged that the said C. M. Wells has never been compensated by the State of Texas for his said damage; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That

the said C. M. Wells be, and he is hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Gonzales County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damages; and in case such suit be filed that service of citation or any other necessary process shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right of appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 26, To grant O. I. Littlefield permission to sue the State.

Whereas, The State Highway Department of Texas did build, construct and supervise the building and construction of State Highway No. 80 in Gonzales County, Texas; and

Whereas, It is alleged that said highway was constructed in such a manner as to cause the flood waters of certain creeks to flow over, inundate and wash away certain farm lands belonging to O. I. Littlefield, and to destroy growing crops on said land, thereby causing great damage to the said O. I. Littlefield; and

Whereas, It is alleged that the said O. I. Littlefield has never been compensated by the State of Texas for his said damage; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said O. I. Littlefield be, and he is hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Gonzales County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damages; and in case such suit be filed that service of citation or any other necessary process shall be had upon

the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 27, To grant Wilburn Swan permission to sue the State.

Whereas, The State Highway Department of Texas did build, construct and supervise the building and construction of State Highway No. 80 in Gonzales County, Texas; and

Whereas, It is alleged that said highway was constructed in such a manner as to cause the flood waters of certain creeks to flow over, inundate and wash away certain farm lands belonging to Wilburn Swan, and to destroy growing crops on said land, thereby causing great damage to the said Wilburn Swan; and

Whereas, It is alleged that the said Wilburn Swan has never been compensated by the State of Texas for his said damage; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Wilburn Swan be, and he is hereby, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Gonzales County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damages; and in case such suit be filed that service of citation or any other necessary process shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 28, To grant W. H. Bradford permission to sue the State.

Whereas, The State Highway Department of Texas did build, construct and supervise the building and construction of State Highway No. 112 in Gonzales County, Texas; and

Whereas, It is alleged that said highway was constructed in such a manner as to cause the flood waters of certain creeks to flow over, inundate and wash away certain farm lands belonging to W. H. Bradford, and to destroy growing crops on said land, thereby causing great damage to the said W. H. Bradford; and

Whereas, It is alleged that the said W. H. Bradford has never been compensated by the State of Texas for his said damage; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said W. H. Bradford be, and he is hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Gonzales County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damages; and in case such suit be filed that service of citation or any other necessary process shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 29, To grant Norton Lincecum permission to sue the State.

Whereas, The State Highway Department of Texas did build, construct and supervise the building and construction of State Highway No. 80 in Gonzales County, Texas; and

Whereas, It is alleged that said highway was constructed in such a manner as to cause the flood waters of certain creeks to flow over, inun-

date and wash away certain farm lands belonging to Norton Lincecum, and to destroy growing crops on said land, thereby causing great damage to the said Norton Lincecum; and

Whereas, It is alleged that the said Norton Lincecum has never been compensated by the State of Texas for his said damage; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Norton Lincecum be, and he is hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Gonzales County, Texas, in order to determine what compensation, if any, he is entitled to receive by reason of such damages, and in case such suit be filed that service of citation or any other necessary process shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### SENATE BILL NO. 104 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 104, A bill to be entitled "An Act to amend Section 9 of Chapter 22 of the Acts of the Fortieth Legislature, Regular Session, House Bill No. 80, creating the County Courts at Law of Bexar County, Texas, by providing, by this Act, that the judges of said courts may exchange benches and sit and act for and with each other in any case, matter or proceeding now or hereafter pending in said courts; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 104 ON THIRD READING

Mr. Carsow moved that the constitutional rule, requiring bills to be read on three several days, be sus-

pendent, and that Senate Bill No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adkins	Kenyon
Alsup	Kern
Amos	King
Baker	Knetsch
Beckworth	Langdon
Bell	Leyendecker
Blankenship	Little
Boethel	Loggins
Bond	London
Boyer	Lucas
Bradbury	Mann
Bradford	Mays
Bridgers	McConnell
Brown	McCracken
Burton	McDonald
Cagle	McKee
Callan	McKinney
Carssow	Moffett
Cauthorn	Monkhouse
Celaya	Morris
Cleveland	Newton
Davis of Jasper	Nicholson
Davison of Fisher	Oliver
Davisson	Palmer
of Eastland	Patterson of Mills
Deglandon	Patterson
Derden	of Travis
Dickison	Petsch
Dollins	Pope
England	Powell
Farmer	Prescott
Felty	Quinn
Fielden	Ragsdale
Fox	Reed of Bowie
Gibson	Reed of Dallas
Hamilton	Rhodes
Hanna	Riddle
Hardin	Roark
Harrell	Ross
Harris of Archer	Russell
Harris of Dallas	Rutta
Harris of Dickens	Schuenemann
Heflin	Settle
Herzik	Sewell
Holland	Sharpe
Howard	Shell
Huddleston	Simpson
Hyder	Skaggs
Jackson	Smith of Hopkins
James	Stevenson
Johnson of Ellis	Stinson
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tennant
Jones of Wise	Tennyson
Keefe	Thornberry
Keith	Thornton

Vale  
Waggoner  
Walker  
Weldon

Winfree  
Wood  
Worley

Nays—1

Lankford

Present—Not Voting

Westbrook

Absent

Alexander	Kelt
Cathey	Leath
Davis of Haskell	Leonard
Fuchs	Mauritz
Graves	McFarland
Hankamer	Metcalf
Harbin	Morse
Harper	Reader
Hartzog	Smith
Hoskins	of Matagorda
Hull	Smith of Tarrant
Jones of Atascosa	

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

The Speaker then laid Senate Bill No. 104 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adkins	Derden
Alsup	Dickison
Amos	Dollins
Baker	England
Beckworth	Farmer
Bell	Felty
Blankenship	Fielden
Boethel	Gibson
Bond	Hamilton
Boyer	Hanna
Bradbury	Harbin
Bradford	Hardin
Brown	Harrell
Burton	Harris of Archer
Cagle	Harris of Dallas
Callan	Harris of Dickens
Carssow	Heflin
Cauthorn	Herzik
Celaya	Holland
Cleveland	Hoskins
Davis of Jasper	Howard
Davison of Fisher	Huddleston
Davisson	Hull
of Eastland	Hyder
Deglandon	Jackson

James	Powell
Johnson of Ellis	Prescott
Johnson	Quinn
of Tarrant	Ragsdale
Jones of Angelina	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Rhodes
Keith	Riddle
Kenyon	Roark
Kern	Ross
King	Russell
Knetsch	Rutta
Langdon	Schuenemann
Leyendecker	Settle
Little	Sewell
Loggins	Shell
London	Simpson
Lucas	Skaggs
Mann	Smith of Hopkins
Mauritz	Smith
Mays	of Matagorda
McConnell	Smith of Tarrant
McCracken	Stevenson
McDonald	Stinson
McKee	Stocks
McKinney	Talbert
Metcalfe	Tennant
Moffett	Tennyson
Monkhouse	Thornberry
Morris	Thornton
Newton	Vale
Nicholson	Waggoner
Oliver	Walker
Palmer	Weldon
Patterson of Mills	Westbrook
Patterson	Winfree
of Travis	Wood
Petsch	Worley
Pope	

Nays—1

Lankford

Absent

Alexander	Hartzog
Bridgers	Jones of Atascosa
Cathey	Kelt
Davis of Haskell	Leath
Fox	Leonard
Fuchs	McFarland
Graves	Morse
Hankamer	Reader
Harper	Sharpe

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

SENATE BILL NO. 174 ON  
SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 174, A bill to be entitled "An Act validating certain bonds of cities in the State of Texas operating under the General Laws of the State and located in counties having a population of less than 80,000 and more than 70,000 according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenues to be derived from the operation of the city's water works system; authorizing the city to complete its proceedings for the authorization, sale, and delivery of such bonds, and declaring an emergency."

The bill was read second time.

Mr. Celaya offered the following committee amendment to the bill:

Amend Senate Bill No. 174 by adding to Section 1 the following:

"Provided, however, that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, the validity of which has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 174 was then passed to third reading.

SENATE BILL NO 174 ON THIRD  
READING

Mr. Celaya moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 174 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adkins	Boyer
Alsup	Bradbury
Amos	Bradford
Baker	Bridgers
Beckworth	Brown
Bell	Burton
Blankenship	Cagle
Boethel	Callan
Bond	Carssow

Cauthorn	McConnell
Celaya	McDonald
Cleveland	McFarland
Davis of Jasper	McKee
Davison of Fisher	McKinney
Davisson	Metcalfe
• of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickison	Newton
Dollins	Nicholson
Farmer	Oliver
Felty	Patterson of Mills
Fielden	Patterson
Gibson	of Travis
Hamilton	Pope
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Harrell	Ragsdale
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Roark
Holland	Ross
Howard	Russell
Huddleston	Rutta
Hull	Schuenemann
Hyder	Settle
Jackson	Sewell
James	Shell
Johnson of Ellis	Simpson
Johnson	Skaggs
of Tarrant	Smith of Hopkins
Jones of Angelina	Smith
Jones of Wise	of Matagorda
Keefe	Smith of Tarrant
Keith	Stevenson
Kelt	Stinson
Kenyon	Stocks
Kern	Talbert
King	Tennant
Knetsch	Tennyson
Langdon	Thornberry
Lankford	Thornton
Leath	Vale
Leyendecker	Waggoner
Little	Walker
Loggins	Weldon
London	Westbrook
Lucas	Winfree
Mann	Wood
Mauritz	Worley
Mays	

## Absent

Alexander	Hartzog
Cathey	Heflin
Davis of Haskell	Herzik
England	Hoskins
Fox	Jones of Atascosa
Fuchs	Leonard
Graves	McCracken
Hardin	Morse
Harper	Palmer

Petsch  
Reader  
Rhodes

Riddle  
Sharpe

## Absent—Excused

Bates  
Broadfoot  
Colquitt  
Dean

Jones of Falls  
Lanning  
Tarwater

The Speaker then laid Senate Bill No. 174 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—121

Adkins	Hyder
Alsup	Jackson
Amos	James
Beckworth	Johnson of Ellis
Bell	Johnson
Boethel	of Tarrant
Bond	Jones of Angelina
Boyer	Jones of Wise
Bradbury	Keefe
Bradford	Keith
Bridgers	Kenyon
Brown	Kern
Burton	King
Cagle	Knetsch
Callan	Langdon
Carssow	Lankford
Cauthorn	Leath
Celaya	Leonard
Cleveland	Leyendecker
Davis of Jasper	Little
Davison of Fisher	Loggins
Davisson	London
of Eastland	Lucas
Deglandon	Mann
Derden	Mauritz
Dickison	Mays
Dollins	McConnell
England	McCracken
Farmer	McDonald
Felty	McFarland
Fielden	McKee
Fuchs	McKinney
Gibson	Metcalfe
Graves	Moffett
Hamilton	Monkhouse
Hankamer	Newton
Hanna	Nicholson
Harbin	Oliver
Harrell	Patterson of Mills
Harris of Archer	Patterson
Harris of Dallas	of Travis
Harris of Dickens	Pope
Herzik	Powell
Holland	Prescott
Howard	Quinn
Huddleston	Ragsdale
Hull	Reed of Bowie

Reed of Dallas	Stevenson
Roark	Stinson
Ross	Stocks
Russell	Talbert
Rutta	Tennant
Schuenemann	Tennyson
Settle	Thornberry
Sewell	Thornton
Sharpe	Vale
Shell	Waggoner
Simpson	Walker
Skaggs	Weldon
Smith of Hopkins	Westbrook
Smith	Wood
of Matagorda	Worley
Smith of Tarrant	

## Present—Not Voting

Blankenship

## Absent

Alexander	Jones of Atascosa
Baker	Kelt
Cathey	Morris
Davis of Haskell	Morse
Fox	Palmer
Hardin	Petsch
Harper	Reader
Hartzog	Rhodes
Heflin	Riddle
Hoskins	Winfree

## Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

HOUSE BILL NO. 321 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 321, A bill to be entitled "An Act amending Chapter 141, Acts, Fortieth Legislature, Regular Session, as amended by Chapter 246, Acts, Forty-second Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Office and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority and duties of such officers; fixing and authorizing payment of their salaries, travel and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; and

repealing all laws and parts of laws in conflict therewith."

The bill having been read second time on Monday, February 22.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 321, page 2, line 7, of the printed copy, as follows:

Strike out the comma and the word "and" after the word "Texas" and insert in lieu thereof a period, and make the letter "h" in the word "he" a capital letter.

The amendment was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 321, by striking out Section nine (9) of said bill and inserting in lieu thereof, the following:

"Because of the fact that there are thousands of ex-service men in the State of Texas, who are justly entitled to benefits under the present Federal Laws, including disability compensation, pensions, and hospitalization, who are not now receiving same, due largely to the fact that they are scattered in various places over the State and do not have access to relevant and proper information concerning provisions of said Federal Laws and since this condition is depriving said veterans of benefits to which they are justly entitled in the amount of thousands of dollars annually, which condition could be corrected by the early passage of this bill, thus there is created an emergency and imperative public necessity that requires the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended and same is hereby suspended and this Act shall effect and be in force and effect from and after its passage and is so enacted."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 321, by striking out in Section 1 the words and figures, "Thirty-six-hundred, (3600)", in lines twenty-seven (27) and twenty-eight (28), page one (1), and inserting in lieu thereof, the words and figures, "not to exceed three-thousand-dollars (\$3,000.00)".

Further amend same section in lines thirty-three (33) and thirty-four (34), by striking out the words and figures "Twenty - four - hundred - dollars

(\$2400.00)" and insert in lieu thereof the words and figures, "not to exceed Twenty - two - hundred - dollars (\$2200.00)".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 321 was then passed to engrossment.

### HOUSE BILL NO. 321 ON THIRD READING

Mr. Moffett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adkins	Harrell
Alsup	Harris of Archer
Amos	Harris of Dallas
Baker	Harris of Dickens
Beckworth	Heflin
Bell	Herzik
Blankenship	Holland
Boethel	Hoskins
Bond	Howard
Boyer	Huddleston
Bradbury	Hyder
Bradford	Jackson
Bridgers	James
Brown	Johnson of Ellis
Burton	Johnson
Cagle	of Tarrant
Callan	Jones of Angelina
Carasow	Jones of Wise
Cauthorn	Kelt
Celaya	Kenyon
Cleveland	Kern
Davis of Haskell	King
Davison of Fisher	Knetsch
Deglandon	Langdon
Davison	Lankford
of Eastland	Leath
Derden	Leyendecker
Dickison	Little
Dollins	London
England	Lucas
Farmer	Mann
Fielden	Mauritz
Fox	Mays
Fuchs	McConnell
Gibson	McDonald
Graves	McFarland
Hamilton	McKee
Harbin	McKinney
Hardin	Metcalfe
Harper	Moffett

Monkhouse	Sewell
Morris	Sharpe
Morse	Shell
Nicholson	Simpson
Oliver	Skaggs
Palmer	Smith of Hopkins
Patterson of Mills	Smith
Patterson	of Matagorda
of Travis	Smith of Tarrant
Petsch	Stevenson
Pope	Stinson
Powell	Stocks
Prescott	Talbert
Quinn	Tennant
Ragsdale	Tennyson
Reader	Thornberry
Reed of Bowie	Thornton
Reed of Dallas	Vale
Rhodes	Waggoner
Riddle	Walker
Roark	Weldon
Russell	Winfree
Rutta	Wood
Settle	Worley

Nays—3

Hankamer	Keith
Hanna	

Present—Not Voting

Westbrook

Absent

Alexander	Keefe
Cathey	Leonard
Davis of Jasper	Loggins
Felty	McCracken
Hartzog	Newton
Hull	Ross
Jones of Atascosa	Schuenemann

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

The Speaker then laid House Bill No. 321 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—114

Adkins	Bradbury
Alsup	Bradford
Amos	Bridgers
Baker	Brown
Beckworth	Burton
Bell	Callan
Blankenship	Carssow
Boethel	Cauthorn
Bond	Celaya
Boyer	Cleveland



Davis of Haskell	McKee
Davison of Fisher	McKinney
Davisson	Metcalf
of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickison	Morse
Dollins	Nicholson
England	Oliver
Farmer	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Fuchs	of Travis
Gibson	Petsch
Graves	Powell
Hamilton	Prescott
Harbin	Quinn
Harper	Ragsdale
Harrell	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Rhodes
Heflin	Roark
Holland	Russell
Hoskins	Rutta
Howard	Settle
Huddleston	Sewell
Hyder	Sharpe
Jackson	Shell
James	Simpson
Johnson of Ellis	Skaggs
Johnson	Smith of Hopkins
of Tarrant	Smith
Jones of Angelina	of Matagorda
Jones of Wise	Stevenson
Kern	Stinson
King	Stocks
Knetsch	Talbert
Langdon	Tennant
Lankford	Tennyson
Leath	Thornberry
Leyendecker	Thornton
Little	Vale
London	Waggoner
Lucas	Walker
Mauritz	Weldon
Mays	Winfree
McConnell	Wood
McDonald	Worley

Nays—6

Cagle	Keith
Hankamer	Kelt
Hanna	Kenyon

Present—Not Voting

Westbrook

Absent

Alexander	Hardin
Cathey	Hartzog
Davis of Jasper	Herzik
Felty	Hull

Jones of Atascosa	Newton
Keefe	Pope
Leonard	Riddle
Loggins	Ross
Mann	Schuenemann
McCracken	Smith of Tarrant
McFarland	

Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

HOUSE BILL NO. 277 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13th, 1936; making an appropriation for said district to replace said buildings and equipment, and declaring an emergency."

The bill having been read second time on Wednesday, February 17.

Mr. Harris of Dickens offered the following committee amendment to the bill:

Amend House Bill No. 277 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. There is hereby appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, the amounts hereinafter respectively named, or so much thereof as may be necessary in each instance:

a. The Old Glory Rural High Common School District No. 4, Stonewall County, Texas, the sum of Eight Thousand (\$8,000.00) Dollars for the purpose of constructing and completing a new school building which was destroyed by fire;

b. The Maryneal Common School District No. 24, Nolan County, Texas, Twenty-eight Hundred and Eighty (\$2,880) Dollars to be used only for the purpose of purchasing furniture for the school building, the original building having heretofore been destroyed by fire;

c. The Briscoe High School County Line No. 2 in Wheeler County, Texas,

the sum of Twenty-four Hundred and Eighty (\$2,480) Dollars for the purpose of constructing a new gymnasium building and purchasing equipment for the same, but none to be used by said district until a like amount has been expended by said Common School District for the purpose for which these herein appropriated funds are herein granted;

d. The Brownsboro Independent School District, Henderson County, Texas, the sum of Four Thousand (\$4,000.00) Dollars for the purpose of purchasing furniture;

e. The Deats Independent School District, Edwards County, Texas, the sum of Four Hundred Ninety-five and 11/100 (\$495.11) Dollars to replace school building which was destroyed by flood;

f. The Gomez Independent School District, Terry County, Texas, the sum of Five Thousand (\$5,000) Dollars for the purpose of rebuilding the school building which has been destroyed by fire;

g. The Brownfield Independent School District, Terry County, Texas, the sum of Two Thousand (\$2,000) Dollars to pay teachers who had to take over four grades from the Gomez Independent School District which was recently destroyed by fire;

h. The A. & M. Consolidated High School District, Brazos County, Texas, the sum of Twenty-eight Thousand (\$28,000.00) Dollars for the purpose of building a high school building to take care of the increase in enrollment in said Independent School District;

i. The Moore Community School District, Erath County, Texas, the sum of Five Hundred (\$500.00) Dollars for the purpose of purchasing equipment and furniture for said School District, none of such funds shall be expended for the purpose of purchasing libraries, maps or charts;

j. The Duffau Community School District, Erath County, Texas, the sum of Seven Hundred Fifty (\$750.00) Dollars for the purpose of purchasing equipment and other fixtures for said school, but none of the monies herein appropriated shall be used for the purchase of libraries, maps or charts;

k. The Pandora Rural High Common School District No. 18, of Wilson County, Texas, the sum of Six Thou-

sand Four Hundred (\$6,400.00) Dollars for the purpose of replacing the school building and equipment which was destroyed by lightning, provided, however, that none of the funds herein thus appropriated shall be used for the purpose of purchasing maps, charts or libraries;

l. The Oletha Consolidated District No. 45 of Limestone County, Texas, the sum of Nine Thousand Six Hundred (\$9,600.00) Dollars for the purpose of aiding said school in completing its building program, said school building having been destroyed by fire, provided however, that the herein authorized appropriation shall be matched by an equal amount by the district for which this appropriation is made;

m. The Douglasville School District of Cass County, Texas, the sum of Eight Hundred (\$800.00) Dollars for the purpose of equipping and furnishing said building for school purposes, provided however, that none of the herein appropriated funds shall be used for libraries, charts or maps;

n. The Sandifer Common School District No. 84 in Hopkins County, Texas, the sum of Six Hundred and Eighty (\$680.00) Dollars for the purpose of purchasing necessary furniture to equip the school building of said district; providing that none of the money appropriated herein shall be used to purchase books, charts or maps;

o. The Cotton Plant Common School District No. 5 in Hopkins County, Texas, the sum of One Hundred and Fifty (\$150.00) Dollars for the purpose of purchasing necessary furniture to equip the school building of said district which was destroyed by fire; providing that none of the money appropriated herein shall be used to purchase books, charts or maps;

p. The Green Pond Common School District No. 86 in Hopkins County, Texas, the sum of One Hundred and Fifty (\$150.00) Dollars for the purpose of purchasing necessary furniture to equip the school building of said district which was destroyed by fire; providing that none of the money appropriated herein shall be used to purchase books, charts or maps.

"Section 2. Said money herein appropriated shall be paid on warrants

of the Comptroller based on sworn accounts as needed, and as the construction progresses and the equipment is purchased and installed, and wherever it is demanded that said funds be matched by the School District they shall first present to the Comptroller competent and satisfactory evidence that they have expended a like amount of funds to the ones herein appropriated to them before the Comptroller shall issue warrants to such Districts in the amounts herein appropriated.

"Section 3. The fact that the Schools above referred to have lost their property by fire and on account of the changed condition in the valuations of their properties and the reduction in taxation and the drouth conditions, and on account of the further fact that the education of the youth of this country is a necessary and vital state function and one that should be encouraged, and on account of the further fact that unless these amounts are allowed and these buildings can be erected and the improvements made, the educational facilities of the youth in these districts will be greatly neglected and such a condition creates an emergency and results in a great public calamity to each of said districts that the Constitutional Rule requiring bills to be read on three separate days in the House be suspended, and such Rule is hereby suspended and this Act shall take effect immediately from and after its passage."

(Mr. Worley in the Chair.)

Mr. Farmer offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 277, as follows:

Add on page 5 at the close of Section 1, a new subsection to be numbered "q" to read as follows:

"The Azle Common School County Line District in Tarrant County, Texas, the sum of Twenty-five Hundred (\$2,500.00) Dollars for the purpose of purchasing two school busses for the transportation of the school children in said District to and from the said school building."

FARMER,  
SMITH of Tarrant.

Mr. Alsup raised a point of order, on further consideration of the amend-

ment, on the ground that amendment is not germane to the bill.

The Chair overruled the point of order.

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Gibson offered the following amendment to the bill:

Amend House Bill No. 277, by striking out line 13, page 1.

Mr. Mays moved to table the amendment by Mr. Gibson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Adkins	Lankford
Amos	Lucas
Bell	Mann
Blankenship	Mays
Boethel	McDonald
Boyer	McFarland
Bradford	Moffett
Carsow	Monkhouse
Cauthorn	Morse
Davison of Fisher	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Dickison	Prescott
Farmer	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rhodes
Harper	Roark
Harrell	Russell
Harris of Dallas	Schuenemann
Holland	Settle
Huddleston	Shell
Hyder	Smith of Hopkins
Johnson	Smith of Tarrant
of Tarrant	Stinson
Jones of Angelina	Stocks
Keefe	Thornton
Kern	Weldon
King	Westbrook
Langdon	

Nays—65

Alexander	Dollins
Alsup	England
Baker	Felty
Beckworth	Fuchs
Bond	Gibson
Bradbury	Graves
Bridgers	Hamilton
Burton	Hankamer
Cagle	Hanna
Callan	Harris of Archer
Cathey	Hartzog
Cleveland	Heflin
Deglandon	Herzik
Derden	Howard

Jackson	Palmer
James	Powell
Johnson of Ellis	Ragsdale
Jones of Atascosa	Riddle
Jones of Wise	Rutta
Keith	Sewell
Kenyon	Sharpe
Knetsch	Simpson
Leath	Skaggs
Leyendecker	Stevenson
London	Talbert
Mauritz	Tennant
McConnell	Tennyson
McCracken	Thornberry
McKee	Vale
Metcalfe	Waggoner
Morris	Walker
Nicholson	Wood
Oliver	

## Present—Not Voting

Fielden	Smith
Kelt	of Matagorda

## Absent

Brown	Loggins
Celaya	McKinney
Davis of Haskell	Newton
Davis of Jasper	Petsch
Fox	Pope
Harris of Dickens	Quinn
Hoskins	Reader
Hull	Ross
Leonard	Winfree
Little	Worley

## Absent—Excused

Bates	Jones of Falls
Broadfoot	Lanning
Colquitt	Tarwater
Dean	

Question recurring on the amendment by Mr. Gibson, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—57

Alexander	Fielden
Alsup	Fuchs
Baker	Gibson
Beckworth	Graves
Bond	Hamilton
Bradbury	Hanna
Bridgers	Harris of Archer
Burton	Heflin
Callan	Hoskins
Carssow	Howard
Cleveland	Jackson
Deglandon	James
Dollins	Johnson of Ellis
Felty	Jones of Atascosa

Jones of Wise	Powell
Keith	Riddle
Knetsch	Rutta
Leath	Sewell
Leyendecker	Sharpe
Loggins	Simpson
London	Stinson
Mauritz	Talbert
McConnell	Tennant
McFarland	Tennyson
McKee	Thornberry
Metcalfe	Waggoner
Morris	Walker
Newton	Wood
Nicholson	

## Nays—69

Adkins	Lucas
Amos	Mann
Bell	Mays
Blankenship	McCracken
Boethel	McDonald
Boyer	Moffett
Bradford	Monkhouse
Cagle	Morse
Cathey	Oliver
Cauthorn	Palmer
Davis of Jasper	Patterson of Mills
Davison of Fisher	Patterson
Davisson	of Travis
of Eastland	Pope
Derden	Prescott
Dickison	Ragsdale
Farmer	Reader
Hankamer	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rhodes
Harper	Roark
Harrell	Russell
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Hartzog	Skaggs
Holland	Smith of Hopkins
Huddleston	Smith
Hyder	of Matagorda
Johnson	Smith of Tarrant
of Tarrant	Stevenson
Jones of Angelina	Stocks
Keefe	Thornton
Kelt	Weldon
Kenyon	Westbrook
King	Winfree
Langdon	Worley
Lankford	

## Present—Not Voting

Herzik	Kern
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## Absent

Brown	Fox
Celaya	Hull
Davis of Haskell	Leonard
England	Little

McKinney  
Petsch  
Quinn

Ross  
Shell  
Vale

Absent—Excused

Bates  
Broadfoot  
Colquitt  
Dean

Jones of Falls  
Lanning  
Tarwater

Mr. Lucas offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 277, by striking out Subsection d of Section 1, inserting in lieu thereof the following:

"d. The Brownsboro Independent School District, Henderson County, Texas, the sum of Seven Thousand (\$7,000.00) Dollars for the purpose of purchasing furniture and other fixtures, provided however, that the herein authorized appropriation shall be matched by the sum of Three Thousand (\$3,000.00) Dollars to be contributed as a free will offering by the citizens of the school district for which this appropriation is made."

Mr. Davison of Fisher moved the previous question on the pending amendment, the amendments on the Sneaker's desk, and the passage of House Bill No. 277 to engrossment, and the motion was not seconded.

(Speaker in the Chair.)

Mr. Wood moved that House Bill No. 277 be recommitted to the Committee on Appropriations, with instruction to the Committee that the appropriation be cut at least fifty per cent.

Mr. Kern moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—69

Adkins  
Alsup  
Amos  
Baker  
Bell  
Blankenship  
Boethel  
Bond  
Boyer  
Cagle  
Cathey  
Cauthorn

Davis of Haskell  
Davis of Jasper  
Davisson  
of Eastland  
Derden  
Dollins  
Farmer  
Graves  
Harbin  
Hardin  
Harper  
Harrell

Harris of Dallas  
Harris of Dickens  
Hartzog  
Holland  
Hoskins  
Huddleston  
Hyder  
Johnson  
of Tarrant  
Keefe  
Kelt  
Kern  
King  
Langdon  
Lankford  
Leath  
Leyendecker  
Little  
Lucas  
Mann  
Mays  
McDonald  
Monkhouse  
Morse

Oliver  
Palmer  
Patterson of Mills  
Patterson  
of Travis  
Prescott  
Ragsdale  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Roark  
Ross  
Schuenemann  
Settle  
Shell  
Skaggs  
Smith of Hopkins  
Smith of Tarrant  
Stevenson  
Stocks  
Thornberry  
Thornton  
Weldon  
Worley

Nays—54

Alexander  
Beckworth  
Bradbury  
Bridgers  
Burton  
Callan  
Carssow  
Cleveland  
Deglandon  
Dickison  
England  
Fielden  
Fuchs  
Gibson  
Hamilton  
Hankamer  
Hanna  
Harris of Archer  
Herzik  
Howard  
Jackson  
James  
Johnson of Ellis  
Jones of Angelina  
Jones of Atascosa  
Jones of Wise  
Keith  
Knetsch

London  
McConnell  
McKee  
McKinney  
Metcalfe  
Moffett  
Morris  
Newton  
Nicholson  
Petsch  
Powell  
Quinn  
Russell  
Rutta  
Sewell  
Sharpe  
Simpson  
Smith  
of Matagorda  
Stinson  
Talbert  
Tennant  
Tennyson  
Vale  
Waggoner  
Walker  
Wood

Present—Not Voting

Westbrook

Absent

Bradford  
Brown  
Celaya  
Davison of Fisher  
Felty

Fox  
Heflin  
Hull  
Kenyon  
Leonard

Loggins  
Mauritz  
McCracken  
McFarland

Pope  
Reader  
Riddle  
Winfree

Absent—Excused

Bates  
Broadfoot  
Colquitt  
Dean

Jones of Falls  
Lanning  
Tarwater

Question—Shall the amendment by Mr. Lucas be adopted?

#### BILL RE-REFERRED

On motion of Mr. Smith of Tarrant, House Bill No. 168 was withdrawn from the Committee on State Affairs and referred to the Committee on Public Health.

#### MOTION TO RE-REFER HOUSE BILL NO. 482

Mr. Reed of Bowie moved that House Bill No. 482 be withdrawn from the Committee on State Affairs and referred to the Committee on Revenue and Taxation.

Mr. Alexander raised a point of order, on further consideration of the motion by Mr. Reed of Bowie, on the ground that the time for the making of routine motions has expired.

The Speaker sustained the point of order.

Mr. Reed of Bowie moved that the House Rule, relative to the time allotted for the making of routine motions, be suspended, at this time, for the purpose of making a motion to re-refer House Bill No. 482.

The motion was lost.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 24, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 3, Permitting F. L. Ehrig to sue the State.

H. C. R. No. 9, Permitting Mrs. Tom Harrell to sue the State.

H. C. R. No. 15, Permitting Mrs. E. L. Kitchens to sue the State.

H. C. R. No. 18, Permitting B. C. Brook to sue the State.

H. C. R. No. 16, Permitting Uvalde Construction Co., to sue the State.

H. C. R. No. 19, Permitting George H. Guthrie to sue the State.

H. C. R. No. 30, Permitting Floyd Arnwine to sue the State.

H. C. R. No. 32, Permitting Mrs. Annie Smith to sue the State.

H. C. R. No. 34, Relative to Traffic Safety Drive.

H. C. R. No. 10, Relative to purchase of Texas lands.

I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said Counties; providing a closed season from January 1st to May 1st, and declaring an emergency."

H. B. No. 215, A bill to be entitled "An Act creating a special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1936, against the road and bridge fund of said County, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof, and declaring an emergency." (With amendments.)

H. B. No. 238, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al., No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency." (With amendments.)

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in

Throckmorton and Shackelford Counties for a period ending February 1st, 1941; prescribing a penalty therefor, and declaring an emergency." (With amendments.)

H. B. No. 246, A bill to be entitled "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1st, 1940; prescribing a penalty therefor, and declaring an emergency."

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm, and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi or from the waters of the Nueces River between La Fruta dam on the Nueces River and the highway bridge over the Nueces River near George West; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### ADJOURNMENT

On motion of Mr. Alexander, the House, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

##### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Banks and Banking: House Bills Nos. 37, 523 and 682.

Criminal Jurisprudence: House Bill No. 13.

Education: House Bills Nos. 47, 137, 560, 606, 681 and 706.

Interstate Cooperation: House Bill No. 511.

Judicial Districts: House Bills Nos. 265, 561, 634 and 698.

Liquor Traffic: House Bill No. 5.

Live Stock and Stock Raising: House Bills Nos. 597 and 659.

Oil, Gas and Mining: House Bill No. 84.

Revenue and Taxation: House Bill No. 255.

School Districts: House Bill No. 123.

State Affairs: House Bills Nos. 48, 140, 410 and 573.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 586, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13 and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new section to be known as Section 17-A authorizing the Commission to make reciprocal arrangements with other States and the Federal Government with respect to wages earned and benefits accumulated by employees in other States, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 470, A bill to be entitled "An Act re-enacting and amending Article 4902, Revised Civil Statutes of 1925, as amended by Chapter 180, Acts of the Regular Session of the Forty-second Legislature, so as to provide for levying, assessing and collecting an additional one and one-fourth per cent of the gross fire and/or lightning, and/or tornado, and/or windstorm, and/or hail insurance premiums of all companies doing business of fire or lightning or tornado or windstorm or hail insurance in this State, according to the

reports made to the Board of Insurance Commissioners as required by law, and so as to provide that the taxes levied and assessed against the gross premiums of certain insurance companies shall be independent of and in addition to all other taxes imposed by law upon such companies, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 471, A bill to be entitled "An Act providing for the annual

assessment and collection of a tax on premiums for Workmen's Compensation insurance policies written by stock companies, mutual companies, reciprocals or inter-insurance exchanges, or Lloyds associations covering risks in this State to defray the salaries and expenses of carrying out the provisions of Articles 4907 to 4918, inclusive, Chapter 10, Title 78, Revised Civil Statutes of 1925, and providing that any unexpended balance shall be carried over in succeeding years in a separate fund, and shall reduce the assessment for succeeding years, and repealing Article 4906, Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.



**In Memory of**

**Judge F. H. Prendergast**

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Mr. Wood offered the following resolution:

Whereas, On Tuesday evening, November 17, 1936, the Supreme Architect of the Universe, in his infinite wisdom, called from the walks of life Judge F. H. Prendergast of Marshall, Texas; and

Whereas, Judge Prendergast was a well-known attorney and was very active in the church and civic life of the City of his residence; and

Whereas, Judge Prendergast, at the age of seventy-eight, was elected to the Forty-first Legislature from Harrison County, Texas; and

Whereas, In the above named capacities he rendered a distinguished service to his community and State that will live forever in the memory of those who knew of his valiant and patriotic efforts; and

Whereas, Of this departed man let it be said,

"Green be the turf above thee,  
Friend of my better days;  
None knew thee but to love thee,  
Nor named thee but to praise."

Now, Therefore, Be It Resolved by the House of Representatives of the State of Texas, That we now express our regrets of the passing of this great man, and that when the House adjourns today, the twenty-fourth day of February, 1937, that it do so in his honor; and, be it further

Resolved by the House of Representatives of the State of Texas, That a copy of this resolution be sent to each member of the deceased's family, under the Seal of the Chief Clerk of the House of Representatives.

WOOD,  
GIBSON.

The resolution was read second time, and was unanimously adopted.

## In Memory of Judge T. S. Henderson

Mr. Newton offered the following resolution:

Whereas, On the 18th day of February, 1937, God in his inscrutable wisdom, took from our earthly ranks the great soul of the Honorable Tom S. Henderson, of Cameron, Milam County, Texas; honorable in heart; honorable in works; and honored by all who were privileged to know him; and

Whereas, All of Texas bows its head in a spirit of irretrievable loss, to this beloved and revered pioneer spirit; who has distinguished his length of days by outstanding service to his fellow men; who has used his influence to uplift and develop this great State and who gave unstintingly of his energies for the welfare of the Texas people; who has served his community faithfully, his State ably and notably both as a Member of the Texas Legislature, of the House of Representatives and also as head of the University Regents for many years; and

Whereas, The Members of the Texas Legislature and the House of Representatives have learned with profound sorrow of the passing of one of its outstanding statesmen and most worthy citizens, it behooves them to survey the life history of its departed Member. A true Texan of Texas was the Hon. Tom S. Henderson. Born in Old Washington-on-the-Brazos, he received his early education in the public schools there, enrolled in Baylor University, then Waco University, when fifteen years of age and graduated with valedictory honors. His law education was received at Washington University in St. Louis. He was elected successively as County Attorney of Milam County, District Attorney and State Representative. In 1895 he was appointed to the University Board of Regents and served for sixteen years; ten as President of the group. Surviving him are his wife, the former Minnie Burns, with whom he celebrated his Golden Anniversary in 1934, two sons, John B. of Cameron and T. S. of Corpus Christi, and four daughters, Mrs. Boyd Wells of Austin, Mrs. Hamilton Bonnet of San Antonio, Mrs. Earnest Beard of Hillsboro, Mrs. J. A. Culpepper of Cameron, and eleven grandchildren; and

Whereas, He has given to his surviving family a heritage of which they may be justly proud and a career graven upon the hopes and hearts of his fellow men; and

Whereas, Throughout his entire public career, he was recognized as one of the State's ablest lawyers and finest statesmen and in all ways worthy of emulation, vitally interested in all matters for the public good; doing justice, loving mercy and walking humbly in the way of God; and

Whereas, Texas has lost one of its greatest barristers, the masses of the people one of their kindest and most steadfast friends; and

Whereas, Of this great departed spirit of the Hon. Tom S. Henderson it may be truly said;

"No sod grows deeper than the imprint of a soul;

No monument towers higher than man's gift to man; the goal"; and

Whereas, The monument erected to the memory of the Hon. Tom S. Henderson is indelibly enshrined on the hearts and lives of those souls to whom he so lavishly "gave his gifts"; and

Whereas, We of the legion who were privileged to call him friend, have intermingled with a deep sense of personal loss, a deep and abiding sympathy for his sorely bereaved family; therefore, be it

Resolved, That a copy of this resolution be spread on the memorial page of the House Journal of the day in memory of the deceased and as a tribute to a man who has brought them honor in the faithful and exemplary service he has rendered his State at all times; and also, be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under seal and that when the House adjourns today, it do so out of honor and respect accorded to the life and works of the Honorable Tom S. Henderson.

NEWTON, JONES of Falls,  
JAMES, FUCHS.

The resolution was read second time, and was unanimously adopted.